

SOUTH HAMS DISTRICT COUNCIL

NAME OF COMMITTEE	Executive
DATE	5 June 2014
REPORT TITLE	Applications to designate Neighbourhood Plan areas for Dartington, Newton & Noss and Stoke Fleming parishes
REPORT OF	Strategic Planning Officer
WARDS AFFECTED	Dartington, Newton & Noss and Skerries and adjacent wards

Summary of report:

Dartington, Newton & Noss and Stoke Fleming Parish Councils have submitted applications to the Council to designate Neighbourhood Plan areas in their parishes.

The applications have been advertised for a six week period (4 April - 16 May 2014), during which comments have been invited about whether the plan area is appropriate.

Financial implications:

The financial implications of the duty to support the preparation of a Neighbourhood Plan will be neutral, due to the Council being able to claim back associated costs as detailed in paragraph 4.3.

Where applications for plan areas are successful, the Council can bid for central government funding up to £5,000 per plan to help cover the associated costs of preparation. The Council intends to submit a bid in respect of these Neighbourhood Plan areas within three months of a decision to approve them.

RECOMMENDATIONS:

It is recommended that Executive:

1. Approves the designation of Dartington, Newton & Noss and Stoke Fleming parish boundaries for the purposes of preparing their respective Neighbourhood Plans.
2. Supports a bid for central government funding to help cover the costs associated with preparing these Neighbourhood Plans.

Officer contact:

Bridget Green/Graham Swiss
Strategic Planning Officers
01803 861138/861290

1. BACKGROUND

1.1 The Localism Act and National Planning Policy Framework (NPPF) both came into effect in 2012. These encourage and support communities to prepare plans for their area.

1.2 The Council has adopted a Neighbourhood Planning Protocol which provides clear information on the procedures that will guide the neighbourhood planning process.

1.3 The first step in the neighbourhood planning process is to designate a plan area. This requires communities to make an application to the Council. Such applications are then subject to a six week period during which those who live, work or carry out business in the area are invited to comment on whether the proposed area is appropriate. There are other opportunities during the neighbourhood planning process to put forward ideas about what the plan should contain.

1.4 This Executive report considers applications to designate three Neighbourhood Plan areas. They are to be assessed against the following five criteria set out in the Neighbourhood Planning Protocol:

1. The applicant is an appropriate body with responsibility for leading the plan process (i.e. a town or parish council);
2. Terms of Reference for the group have been prepared and signed by all members of the group;
3. The proposed area is suitable and reasons have been adequately demonstrated if it does not follow the boundaries of existing parishes;
4. The plan area does not overlap any other designated Neighbourhood Plan area; and,
5. The plan area does not prejudice other Neighbourhood Plan areas coming forward in the future.

2. ISSUES FOR CONSIDERATION

2.1 Dartington, Newton & Noss and Stoke Fleming Parish Councils each submitted an application to the Council to designate the area they intend their Neighbourhood Plan to cover. In each case the proposed area covers the extent of the parish boundary. These are shown as part of the applications appended to this report.

2.2 The applications are accompanied by a set of Terms of Reference (ToR) for the groups that will be responsible for leading the processes in Dartington, Newton & Noss and Stoke Fleming, and these have been endorsed by the respective parish councils that are proposing the areas for designation. The three sets of ToR are also included in the appendices.

2.3 Details of the applications have been displayed in Dartington, Newton & Noss and Stoke Fleming and the parish councils were asked to publicise the proposed designations. Details have also been available on the district council's and parish councils' web pages.

Dartington responses:

2.4 Responses to the proposed plan area have been received from English Heritage, the Environment Agency, Natural England, the Police Architectural Liaison Officer (ALO) and South West Water. No objections to the proposed plan area were received.

2.5 A brief summary of the responses follows:

- English Heritage has no objection to the proposal.
- The Environment Agency has no objections to the application and highlights the environmental constraints within the parish that will need to be considered as the NP progresses.
- Natural England does not have any comments on the extent of the Neighbourhood Plan area. However, the Plan should reference the South Hams Bat SAC guidance and it must not propose any development itself that would require a mitigation scheme to be agreed as part of any development.
- The Police ALO has no comments at this stage.
- South West Water has advised that there are no particular constraints for Dartington but site locations and densities of any proposed development are needed for formal confirmation of this.

Newton & Noss responses:

2.6 Responses to the proposed plan area have been received from the AONB Manager, English Heritage, the Environment Agency, Natural England, the Police Architectural Liaison Officer and Yealmpton Parish Council. No objections to the proposed plan area were received.

2.7 A brief summary of the responses follows:

- The AONB Manager welcomes the application, refers to the statutory duty of regard for the AONB and recommends contact with the AONB team at an early stage in the NP preparation process.
- English Heritage has no objection to the proposal.
- The Environment Agency has no objections to the application and highlights the environmental constraints within the parish that will need to be considered as the NP progresses.
- Natural England points out that part of the parish area lies within a Special Area of Conservation (SAC) and that care should be taken to ensure that any proposals of the NP are certain of not having a significant effect on features of the SAC. Attention is also drawn to the significance of the AONB, local wildlife sites and the South West Coast Path.
- The Police ALO has no comments at this stage.
- Yealmpton PC reports that it is perfectly happy with the application.
- A letter was received on behalf of a landowner promoting a development site which did not comment on the proposed designation of the NP area. Responses were received from three individuals; one, supporting the designation of the whole parish area to enable the proper investigation and evaluation of all the opportunities available to the community for housing, employment and recreation; one affirming the proposed area as the correct one, and one commenting on the accuracy of the map base.

Stoke Fleming responses:

2.8 Responses to the proposed plan area have been received from the AONB Manager, English Heritage, the Environment Agency, Natural England, the Police Architectural Liaison Officer and Dartmouth Town Council. No objections to the proposed plan area were received.

2.9 A brief summary of the responses follows:

- The AONB Manager welcomes the application, refers to the statutory duty of regard for the AONB and recommends contact with the AONB team at an early stage in the NP preparation process.
- English Heritage has no objection to the proposal.
- The Environment Agency has no objections to the application and highlights the environmental constraints within the parish that will need to be considered as the NP progresses.
- Natural England does not have any comments on the extent of the plan area, but points out the importance of the AONB, local wildlife sites and the South West Coast Path.
- The Police ALO has no comments at this stage.
- A response was also received from Dartmouth Town Council commenting that “the West Dartmouth development is primarily a Dartmouth Town Council matter, but where land falling within Stoke Fleming is involved, we will happily work positively with our neighbours.”

3. LEGAL IMPLICATIONS

3.1 The Localism Act and National Planning Policy Framework make provision for communities to prepare plans that influence planning and development in their area.

3.2 These three applications are also made in accordance with the Council’s adopted Neighbourhood Planning Protocol.

3.3 The Town and Country Planning, England, Neighbourhood Planning (General) Regulations 2012 set out the procedures which govern the processes of neighbourhood planning.

4. FINANCIAL IMPLICATIONS

4.1 The financial implications of the duty to support the preparation of a Neighbourhood Plan will be neutral, due to the Council being able to claim back associated costs as detailed in paragraph 4.3.

4.2 When applications for plan areas are approved, the Council can bid for central government funding of up to £5,000 per area to support the communities in the preparation of their plans. If the bids are successful, the money will be held by the Council to cover any costs incurred as a result of supporting the communities with the progression of their plans. The Council intends to submit bids in this respect within the three month period following Executive.

4.3 For Member’s information, the government has set out a programme of financial support for local authorities’ neighbourhood planning activities during 2014/15. The authority is able to claim for financial support for up to 30 designations over the two year period. There are various payment stages to reflect the work involved. These are as follows:

- The first payment of £5,000 will be made following designation of a Neighbourhood Plan area.
- A second payment of £5,000 will be made when the local planning authority publicises the Neighbourhood Plan prior to examination.
- The third payment of £20,000 will be made on successful completion of the examination and any other further steps that may be needed for the plan to come into legal force, including the mandatory referendum.

5. RISK MANAGEMENT

5.1 The risk management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Statutory powers:	National Planning Policy Framework (NPPF) 2012 Localism Act 2011 Town and Country Planning, England Neighbourhood Planning (General) Regulations 2012
Considerations of equality and human rights:	This report seeks to ensure that communities are enabled to prepare community-led plans for their areas and that the process undertaken is fair, transparent and inclusive for everyone.
Biodiversity considerations:	There are no direct biodiversity implications arising from the report.
Sustainability considerations:	The designations will enable the communities to prepare a plan to secure a sustainable future for their areas.
Crime and disorder implications:	There are no proposals contained within this report that have direct crime and disorder implications to consider.
Background papers:	Neighbourhood Planning Protocol

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Lack of plan to guide local development initiatives in Dartington, Newton & Noss and Stoke Fleming	If the plan areas are not designated then Dartington, Newton & Noss and Stoke Fleming Parish Councils cannot progress work on their Neighbourhood Plans. Without a plan in place, decisions relating to development in these communities will defer to national and district wide planning policies, which seek to secure sustainable development.	2	2	4	↑	Approve the designation of the Neighbourhood Plan areas	Strategic Planning

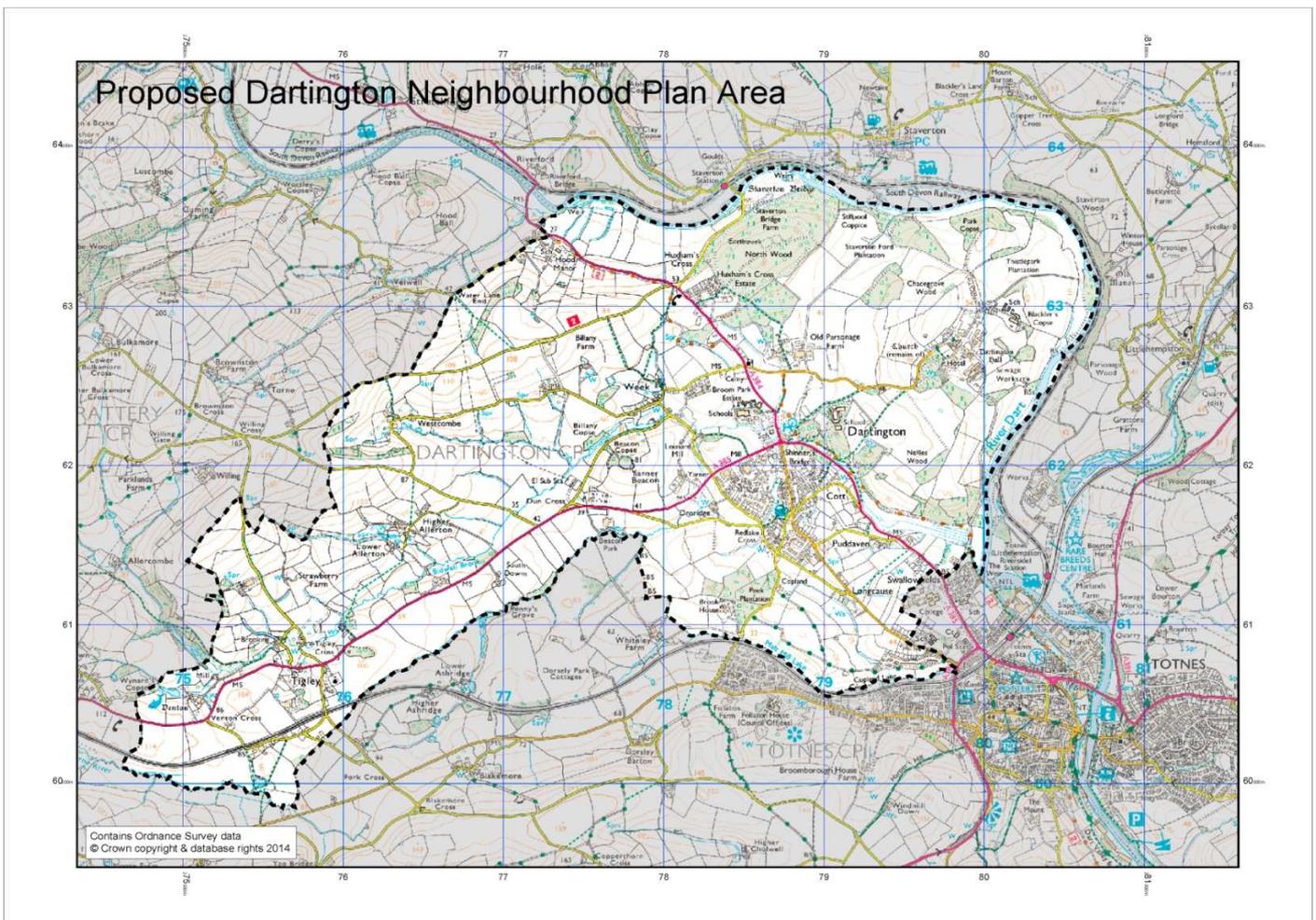
Direction of travel symbols ↓ ↑ ⇄

Appendices

Appendices attached:

Appendix A: Application form and terms of reference for Dartington Neighbourhood Plan
Appendix B: Application form and terms of reference for Newton & Noss Neighbourhood Plan
Appendix C: Application form and terms of reference for Stoke Fleming Neighbourhood Plan

Appendix A



Designation of Plan Area Application Form



Name of Applicant - *Must be a Parish or Town Council*

Dartington Parish Council

Contact Details - *Please supply contact details of project lead*

Name: Rachel Avery (Clerk)

Address:

Email: dartingtonparishcouncil@outlook.com

Tel: 01803 812122

Name of proposed plan area

Dartington Parish

Map of proposed plan area

Please supply a separate map showing the boundaries of the proposed plan area

Statement confirming why the proposed plan area is appropriate

Please explain why the plan area is an appropriate designation, continue on a separate sheet if necessary.

The proposed area is the Parish boundary. This will allow for the Neighbourhood Plan to not only concentrate on the Village centre, but also including its surrounding hamlets.

Type of plan proposed - *Please tick*

Neighbourhood Development Plan

Community Plan

Plan-It Lite

Neighbourhood Development Order

Community Right to Build Order

Group Terms of Reference

Please supply a separate sheet detailing the Group's Terms of Reference

Please return to the Strategic Planning Team,
South Hams District Council, Follaton House,
Plymouth Road, Totnes, Devon, TQ9 5 NE.

Dartington Neighbourhood Plan

Steering Group – Terms of Reference

1. PURPOSE

- 1.1. The main purpose of the Steering Group is to oversee the preparation of the Neighbourhood Plan for Dartington ensuring that all issues are addressed properly with high levels of community engagement to maximise the potential that the Plan will be supported at the local referendum.
- 1.2. The Group will be hosted by Dartington Parish Council in recognition of their sponsorship role.
- 1.3. To require Dartington Parish Council to adopt a monitoring and where necessary an enforcement process to ensure the implementation of Dartington Neighbourhood Plan.

2. KEY ROLES

- 2.1. To be accountable for steering and providing strategic management of the Neighbourhood Plan for Dartington, by ensuring that the key milestones are met by the Steering Group.
- 2.2. Agree a position on specific issues to lead to an agreed policy approach.
- 2.3. Identify, encourage and strengthen links between key organisations and ensure they are informed of the work of the Steering Group and progress with the Neighbourhood Plan.
- 2.4. To commission specific areas of evidence and analysis as recommended and required.
- 2.5. To promote the objectives of the Neighbourhood Plan for Dartington.
- 2.6. To sign off the final draft plan prior to the local referendum.
- 2.7. To act as the public face and principal contacts with the neighbouring parishes and media with respect to the Neighbourhood Plan.

3. OBJECTIVES

- 3.1. To provide strategic assistance and advice to the wider Neighbourhood Planning Team in the production of the Neighbourhood Plan.
- 3.2. To bring together appropriate local expertise and facilitate joint community working in developing the Neighbourhood Plan for Dartington.
- 3.3. To identify, assist and help facilitate discussions with relevant and interested parties.
- 3.4. To identify, assist and help facilitate discussions with relevant and interested groups in the community to promote active involvement in the Neighbourhood Planning process.
- 3.5. To establish a multi-faceted policy to monitor progress as the Neighbourhood Plan is developed and implemented.
- 3.6. To develop a vision for Dartington into the future.

4. RELATIONSHIP TO OTHER GROUPS

- 4.1. The Steering Group will seek to have strong links with the Neighbourhood Plan Team which provides operational expertise, suggests actions and refers items of importance to be discussed by the Steering Group.
- 4.2. The Steering Group will also provide updates when and as necessary to Dartington Parish Council. The Steering Group will be responsible for formally coordinating liaison with South Hams District Council and Devon County Council and informing them of progress with the Neighbourhood Plan.
- 4.3. Meetings of the Steering Group can be attended by members of the Neighbourhood Plan Team, and any other relevant person/s or community representatives may be invited to speak. Meetings will be open to the public to attend and the minutes will be available for inspection on the web site.

5. DECISION MAKING

5.1. Decision making by the Steering Group will normally be by means of consensus. If it proves impossible for the Steering Group to reach agreement during any stage of preparing the Plan, every effort shall be made by the membership of the Steering Group to resolve the difference by **negotiation**. Where this does not resolve the situation, the Steering group will ensure that the alternative view is included in the relevant stage of community engagement, and the Steering Group will adopt the position of the majority response from the community arising from that stage.

6. MEMBERSHIP

6.1. Initial Membership of the Steering Group (as nominated on 18.01.14, confirmed 15.02.14). To comprise a minimum of four and a maximum of five persons in each sector as follows:

Community Sector: Anne Mitchell (Dartington Women's Institute / Village hall Committee)
Oliver Tringham (Dartington Community Action Group)
Richard Orr (Hunter's Moon Resident's Assoc.)
Dominique Cowell
Amanda Bourne

Economic Sector: Zav Bowden (Transition Town Totnes, Transition Homes project)
Dartington Hall Trust (Rachel Williams / representative to be confirmed)
Jenny Payne (Dartington Recreational Assoc.)
Cathy Day (Dartington Steiner School)
Susie Dunster (Landowner / Farmer)

Public Sector: Cllr. Ashton Chadwick (Dartington Parish Council)
Cllr Peggy Prout (Dartington Parish Council)
Cllr. Pam Gorman (Dartington Parish Council)
Teresa Lakeman (King Edward VI Community College / Co-operative Trust)

Planning / Environmental Expertise Sector: Anne Phillips (Schumacher)
Frank Bennatt
Dave Chapman (Triformis UK)
Prof. Chris Balch (Plymouth University - tbc)
Dr John Rae (Schumacher) to be invited

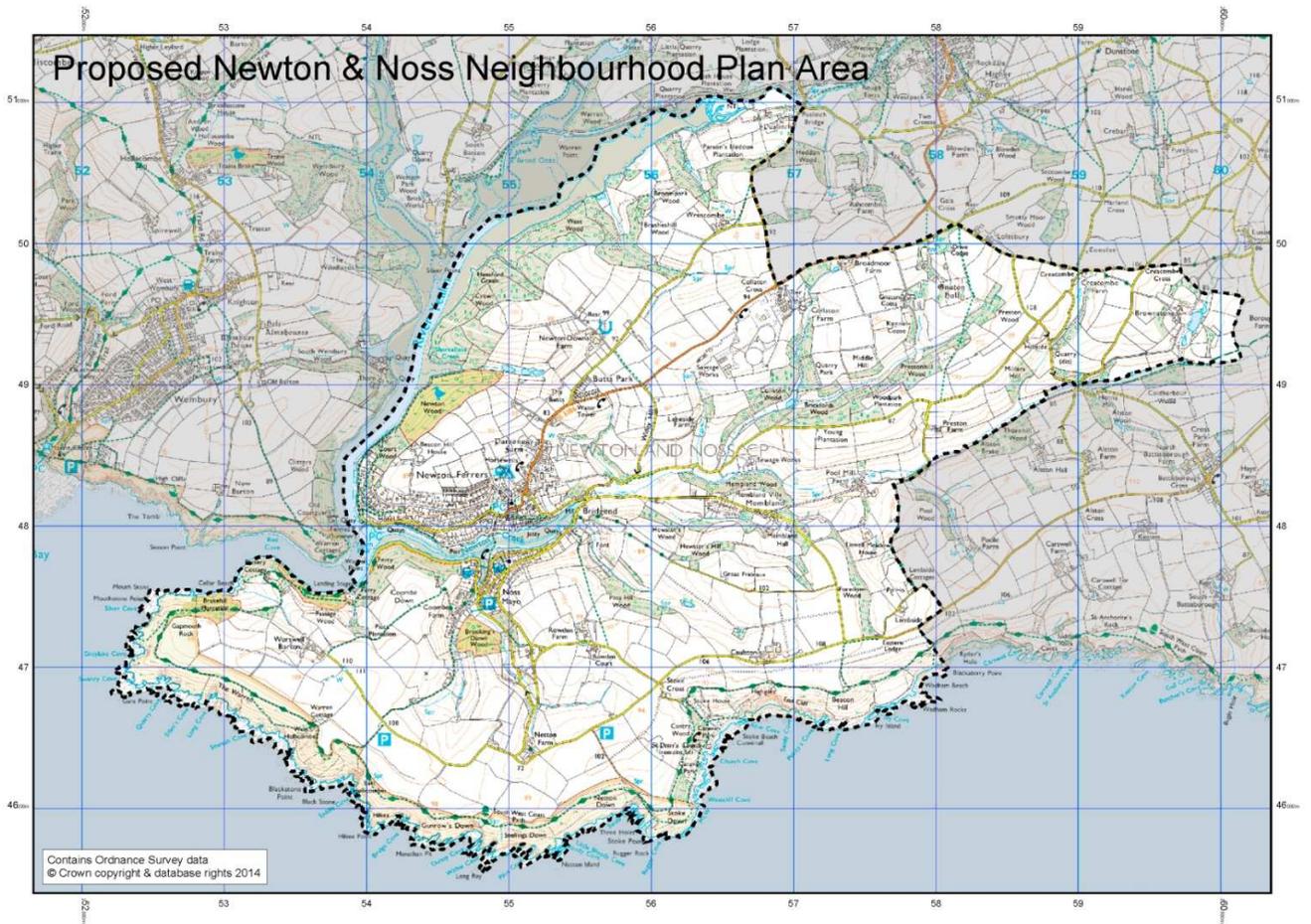
Neighbouring Parishes (non-voting) Sector: No representatives confirmed

6.2. New or additional Members of the Steering Group:

- Professional Advisors by invitation
- Powers to co-opt new Members as needed, subject to agreement of Dartington Parish Council

6.3. Quorum for meetings:

Appendix B



Designation of Plan Area Application Form



Name of Applicant - *Must be a Parish or Town Council*

Newton & Noss Parish Council

Contact Details - *Please supply contact details of project lead*

Name: Mrs Shona McDonough, Parish Clerk

Address: c/o Fasgadh
92 Yealm Road
Newton Ferrers PL81BL

Email: newtonnossclerk@aol.com

Tel: 1,752,873,013

Name of proposed plan area

Newton & Noss Parish Boundary

Map of proposed plan area

Please supply a separate map showing the boundaries of the proposed plan area

Statement confirming why the proposed plan area is appropriate

Please explain why the plan area is an appropriate designation, continue on a separate sheet if necessary.

The proposed Neighbourhood Plan will encompass the entire Parish so that it can address all parish-wide issues. The Parish is sufficiently homogeneous that it would be irrational to omit any part of it.

Type of plan proposed - *Please tick*

Neighbourhood Development Plan

Community Plan

Plan-It Lite

Neighbourhood Development Order

Community Right to Build Order

Group Terms of Reference

Please supply a separate sheet detailing the Group's Terms of Reference

Please return to the Strategic Planning Team,
South Hams District Council, Follaton House,
Plymouth Road, Totnes, Devon, TQ9 5 NE.

NEWTON & NOSS NEIGHBOURHOOD PLAN GROUP – TERMS OF REFERENCE

Purpose of the Group

What is the main aim of the Group?

To deliver a completed Neighbourhood Plan which will “*contribute neighbourhood development policy to the South Hams District Council Local Plan that will ensure that the people of Newton and Noss live in the community of their choice in the year 2030*”.

Objectives of the Group

What is the Group hoping to achieve?

The key output will be the completed Neighbourhood Plan. However, apart from the end product, a fundamental objective will be to get meaningful engagement from as diverse groups within the community as possible.

Membership and Governance

What are the main governance arrangements?

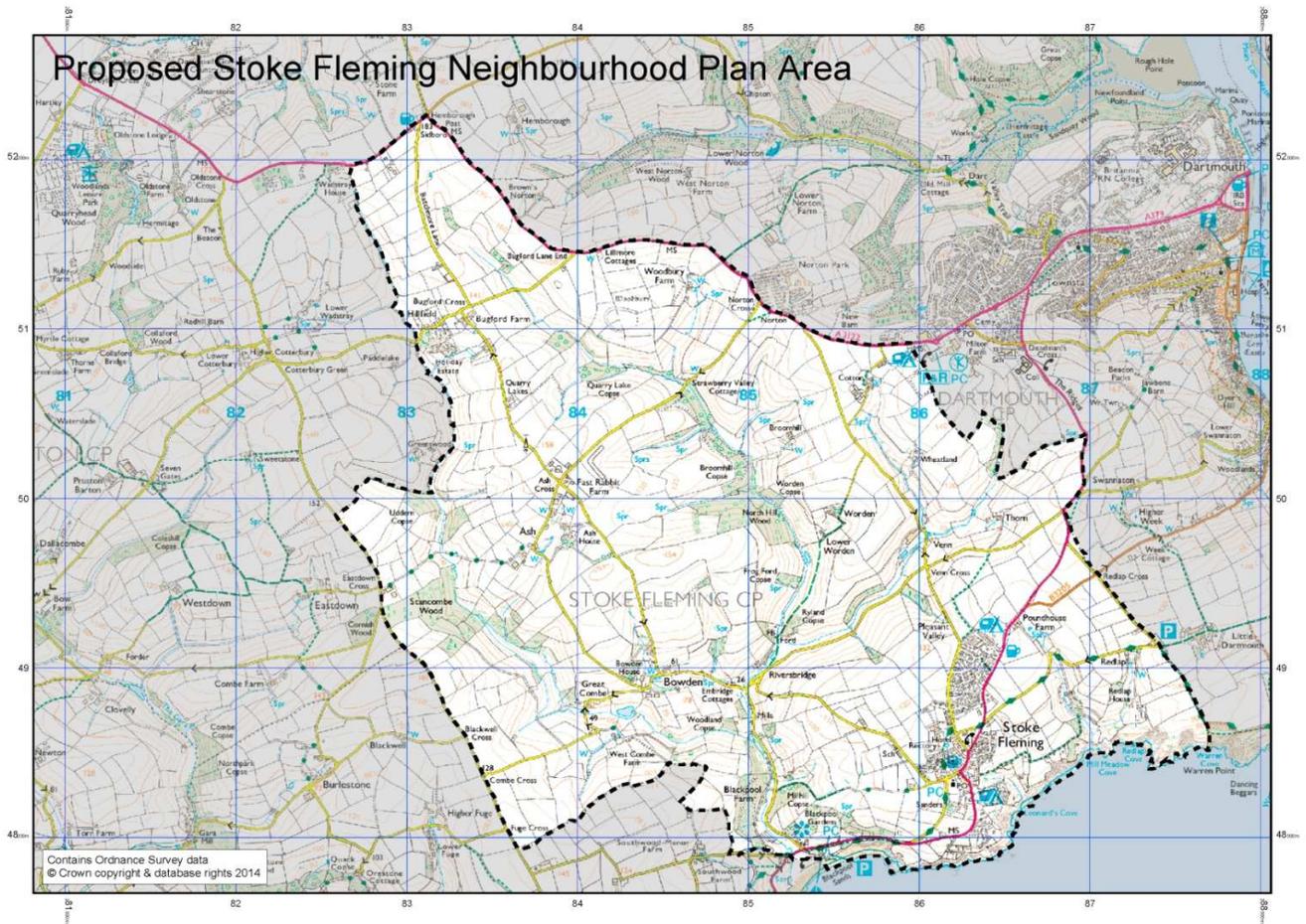
As the Qualifying Body, the Parish Council will have ownership of the entire Neighbourhood Plan process although this will be hands-off as much as possible so that it is a community-led project. All significant decisions will either be taken or endorsed by the Parish Council. This includes financial expenditure, particularly regarding the expenditure of public funds.

Who are the members of the Group?

Aside from the Parish Council itself, it is intended that there will be 3 levels of management and governance of the project:

- a. Steering Group. This will provide oversight of the project and give strategic direction to it. It is proposed that it will comprise about 10 individuals; 5 Parish Councillors and 5 members drawn from the wider community, such as existing local organisations and other non-affiliated individuals. It is proposed that the Group will be chaired by one of the Parish Councillors. He/she will have delegated powers and personal responsibility to the Parish Council for decisions taken.
- b. Project Team. This is the workhorse of the project and will coordinate and run the project. The Project Team Leader will also sit on the Steering Group. The core team will be about 5 and include any specialists (eg planning lawyer, accountant, webmaster etc). The leaders of the Single Subject Area (SSA) Groups will also be members of the Project Team. The Project Team will coordinate and task the SSAs.
- c. Single Subject Area (SSA) Groups. There will be about 8 SSAs such as Housing, the Harbour, Recreation and Leisure, Heritage etc.

Appendix C



Designation of Plan Area Application Form



Name of Applicant - *Must be a Parish or Town Council*

Stoke Fleming Parish Council

Contact Details - *Please supply contact details of project lead*

Name: Jenny Farmer

Address: Seremban, Rectory Lane
Stoke Fleming
TQ6 0QB

Email: farmer.jenny@gmail.com

Tel: 01803 770433

Name of proposed plan area

The Parish of Stoke Fleming

Map of proposed plan area

Please supply a separate map showing the boundaries of the proposed plan area

Statement confirming why the proposed plan area is appropriate

Please explain why the plan area is an appropriate designation, continue on a separate sheet if necessary.

The Boundary of Stoke Fleming Parish is well defined and does not impinge on any contentious areas of neighbouring Parishes, therefore we consider that the whole of the Parish is suitable for this Neighbourhood Plan.

Type of plan proposed - *Please tick*

Neighbourhood Development Plan

Community Plan

Plan-It Lite

Neighbourhood Development Order

Community Right to Build Order

Group Terms of Reference

Please supply a separate sheet detailing the Group's Terms of Reference

Please return to the Strategic Planning Team,
South Hams District Council, Follaton House,
Plymouth Road, Totnes, Devon, TQ9 5 NE.

Stoke Fleming Parish Council

Neighbourhood Development Plan

Terms of Reference

Purpose of the Group

The Preparation of a Neighbourhood Development Plan for the Parish, in consultation with the wider community, local groups and interested parties.

Objectives of the Group

To facilitate the process of achieving an adopted Neighbourhood Development Plan for the future development and sustainability of the Parish of Stoke Fleming.

Membership & Governance

Membership of the Steering Group will comprise nine Parish Councillors initially, volunteers drawn from local groups, and those who expressed an interest during the initial consultation with a maximum of 15 members at any one time.

Members of the Steering Group will debate the issues and policies inherent in the production of the Plan in consultation with the community. Members with particular expertise in certain areas will head up specific projects / policies.

When required, members can be replaced or invited to attend to further a project or policy, or if a member is not willing or able to continue as a member of the Steering Group. The community will be encouraged to share knowledge and contribute during the process.

Declarations of Interest will be dealt with as per the Parish Council's Standing Orders, in that anyone who has a pecuniary interest in the policy/project under discussion will be asked to declare it, and if deemed necessary will not take part in that discussion.

Voting by Members of the Steering Group will be by a show of hands, and a majority decision adopted, with a quorum of 6 required for any vote, the Chairman having a casting vote if necessary.

The Parish Council should oversee the expenditure and programme of work as advised by the Steering Group, in consultation with the community. Any recommendation to amend the numbers of the Steering Group, or change the projects/policies already confirmed, will be referred to the Parish Council for a decision.

Any contentious issue not able to be dealt with by the Steering Group, will be put to the Parish Council for resolution.

Reporting and Feedback

All meetings, minutes and notices will be in the public domain and will be put on the Parish Council's website and in the Parish Magazine, copies will be kept by the Parish Clerk for public inspection. Meetings are open to all members of the Parish to attend, and all groups and interested parties will be encouraged to participate. The production of a Neighbourhood Plan is an inclusive process with the whole community deciding on the future of the Parish.

Resources and Finance

Grant funding applications from the Sustainable Community Locality Fund will be applied for and other funding streams investigated, with mentoring and guidance from Officers at South Hams District Council to ensure that we achieve the best possible outcome for the Parish. Subsequent resources required will be determined by the Steering Group.

Monitoring & Review

Monitoring of the plan will be ongoing, with regular reports from the Steering Group, and progress will be monitored by the Parish Council. The adoption of a Neighbourhood Development Plan is vital to ensure a vibrant, sustainable and environmentally healthy Parish for future generations.

26-11-13